

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL KELLY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-1625
)	
FAGEN'S INC., and INSTALLED)	Chief Judge Ambrose
SERVICES,)	Magistrate Judge Hay
)	
Defendants.)	

ORDER

AND NOW, this 17th day of dec, 2007, after the Plaintiff,

Michael Kelly, filed an action in the above-captioned case, and after Defendants Fagen's Inc.

And Installed Services filed a Motion for Summary Judgment, and after a Report and

Recommendation was filed by the United States Magistrate Judge granting the parties ten days

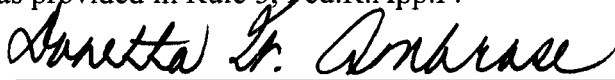
after being served with a copy to file written objections thereto, and no objections having been

filed, and upon independent review of the record, and upon consideration of the Magistrate

Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment
[21] is granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules
of Appellate Procedure, if the parties desire to appeal from this Order they must do so within
thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



DONETTA W. AMBROSE
Chief United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Cindy Porta Clark, Esquire
Woomer & Friday
3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216

Stanley A. Winikoff, Esquire
S.A. Winikoff, P.C.
4 Gateway Center
Suite 1300
Pittsburgh, PA 15222